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STATE FOR NEA/I, INL/I  
NSC FOR ROBERT KITRINOS  
JUSTICE FOR EULER, MONHEIM, MACATAMEY

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [KJUS](#) [MOPS](#) [IZ](#)

SUBJECT: SUMMARY OF GOI MEETINGS ON RULE OF LAW, DETENTIONS

¶1. This is an update on the continuing Ministerial Committee on the Rule of Law and Detention meetings (MCROLD). Since our last summary the MCROLD has been marked by more senior participants - most ministries or agencies are now represented at the deputy minister level - and more organized meetings. Agenda topics discussed included administrative issues, medical needs of adult detainees, execution of release orders, and housing and medical care for juvenile detainees. A summary of the February 12 and 27, 2008 MCROLD meetings is presented below.

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February 12 Meeting Highlights  
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¶2. Ongoing issues included problems with transferring juvenile detainees for psychiatric evaluation. Discussion centered around the difficulties of identifying juvenile detainees for evaluation, locating those same detainees within the detention facilities, and enforcing orders to transfer and evaluate those detainees.

¶3. MCROLD participants raised concerns about detainees, transferred from Coalition facilities, who have been found innocent in the Iraqi courts. The Committee chairman claimed that Coalition forces sent letters to Iraqi authorities instructing them to not release those detainees because they present a security threat. MNFI's representative explained that their goal is to turn over detainees who have been convicted to the Ministry of Justice for confinement in Iraqi facilities. He further explained that more than 600 people convicted in Iraqi courts are being held in Coalition facilities at Camps Cropper and Bucca due to a shortage of GoI prison bed space.

¶4. Progress was reported on the issue of timely release of detainees following orders from the relevant courts. The committee reported that in December, large numbers of detainees were released. There are complaints on the hand-over process of released detainees, with some detainees, particularly females, being released with no coordination with family members.

¶5. A contagious skin condition has affected many detainees, particularly at the Kahdimya women's facility. Poor conditions at the detention facility, including humidity and rodents, were cited as the cause. A new building is being constructed and they are attempting to keep the facility clean. Detainees are now being taken out for sun two hours every day. Representatives from the prosecutor's office from the Baghdad juvenile court visited female detainees held in Al Karada and found that they have no medical staff at all. A letter was sent to the Baghdad directorate to send medical

staff to that facility and they are waiting for action by the Minister of Health. USG representatives were given a list of medications requested by various ministries. Hazard payment for doctors was discussed. There is correspondence about the issue that will be submitted to the Chairman.

¶16. Specific detention cases were discussed, including a female juvenile detained more than one year whose case is still at the Ministry of Justice. According to the GOI representative, she is mentally unstable and should be referred as soon as possible. Another detainee cannot be moved from Baghdad to Anbar because there is no line for movement. The detainee confessed to killing a policeman but the Anbar police station has not replied to the request for the case file.

¶17. A judicial committee has been formed to inspect the Rusafa detention facility the first week in March. The chairman reminded committee members that photography of females and female detention facilities was prohibited and that only members of the human rights committees are permitted to visit those facilities, subject to approval from the Minister of Justice.

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February 27 Meeting Highlights  
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¶18. The Amnesty Law was the primary topic of discussion. The committee chair announced that the Amnesty Law was signed and is now in effect. He explained the amnesty process, which involves each detainee's application being sent for review and decision to one of approximately 22 committees formed throughout Iraq. If amnesty is denied, the detainee has the right of appeal, and the committee decision will not be implemented until the appeal is final. The Higher Judicial Council sent a letter to the Ministries of Interior, Justice, and Labor and Social Affairs regarding the mechanics of release covered in the law. The chairman repeatedly emphasized that the law is to be applied evenly. There is to be no interference -- political, sectarian or otherwise -- in applying the law. They are only to look at the investigation and deal with whether or not a detainee is covered by the law

¶19. Officials from the Ministry of Justice met two days ago with a representative from the Deputy Prime Minister's Office, representatives of the larger political parties in Iraq, and representatives of the Arab league in Iraq concerning national reconciliation and the Amnesty law. All present at that meeting were reportedly very pleased with the information received at the meeting, especially the news that a large number of detainees had been released.

¶110. The chairman noted that the MCROLD Committee will continue to work toward achieving the goal of releasing the largest number of detainees possible according to the law. To date, 14,847 detainees have been released and 6,056 referred to trial, according to the committee chairman. Of the referred cases, 90% have been closed.

¶111. The judge from the Central Criminal Court of Iraq's juvenile court advised that six wards have been prepared at Tobchi to receive juveniles transferred from MNFI custody. The wards do not yet have beds, MNFI will be notified as soon as the wards are ready and court orders are issued for the juveniles' -- up to 80 detainees -- transfer from Camp Cropper for further processing.

¶112. GOI participants included representatives from the Chief Prosecutor's office, Ministry of Health, Ministry of Justice, Ministry of Defense, National Security Council; Ministry of Interior, Ministry of Labor and Social Affairs; Deputy Prime Minister's office, Al Tobchi Detention Center, Khadimiya Women's Detention Center, and the Ministry of Human Rights. USG observers included representatives from Embassy's Rule of Law office and MNFI's Staff Judge Advocate's office.  
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